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## Judiciary Committee

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### HB 2589

**Title:** An act relating to unlawful possession of a firearm in the first degree.

**Brief Description:** Making second degree unlawful possession of a firearm a predicate offense for first degree unlawful possession of a firearm.

**Sponsors:** Representatives Goodman, Ross, Hurst, Ladenburg, Kelley, Moscoso and Green.

#### Brief Summary of Bill

- Makes Unlawful Possession of a Firearm in the second degree a predicate offense for Unlawful Possession of a Firearm in the first degree, except where the Unlawful Possession of a Firearm in the second degree conviction is based on a predicate gross misdemeanor conviction.

**Hearing Date:** 1/25/12

**Staff:** Edie Adams (786-7180).

#### Background:

A person is guilty of Unlawful Possession of a Firearm in the first degree if the person owns, possesses, or has in his or her control any firearm after having previously been convicted of a serious offense. "Serious offense" includes any crime of violence, any class B felony drug offense, any class B felony with a finding of sexual motivation, any felony with a deadly weapon verdict, Vehicular Homicide and Vehicular Assault when committed while under the influence of alcohol or drugs or while driving recklessly, and a number of other specified crimes.

Unlawful Possession of a Firearm in the first degree is a class B felony ranked at seriousness level VII under the Sentencing Reform Act (SRA). For a defendant who has no prior convictions other than the predicate serious offense, the standard sentencing range is 21-27 months.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

A person is guilty of Unlawful Possession of a Firearm in the second degree if the person owns, possesses, or has in his or her control any firearm and the person:

- has previously been convicted of any felony (other than a "serious offense");
- has previously been convicted of certain specified gross misdemeanors;
- has previously been involuntarily committed for mental health treatment;
- is under the age of 18 (with some exceptions); or
- is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense.

The gross misdemeanor offenses that serve as predicate offenses for Unlawful Possession of a Firearm in the second degree are any of the following offenses if committed by one family or household member against another: Assault in the fourth degree; Coercion; Stalking; Reckless Endangerment; Criminal Trespass in the first degree; or violation of provisions of a protection order or no-contact order restraining the person or excluding the person from a residence.

Unlawful Possession of a Firearm in the second degree is a class C felony ranked at seriousness level III under the SRA. For an offender who has no prior convictions, the standard sentence range is one-three months, and for an offender who has one prior felony conviction, the standard sentence range is three-eight months.

**Summary of Bill:**

A person is guilty of Unlawful Possession of a Firearm in the first degree if the person owns or possesses a firearm after having previously been convicted of the crime of Unlawful Possession of a Firearm in the second degree, other than an Unlawful Possession of a Firearm in the second degree conviction that is based on a predicate gross misdemeanor conviction.

**Appropriation:** None.

**Fiscal Note:** Requested on January 27, 2012.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.